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February 3, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Room TW-A325
Washington, D.C. 20554

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FEB 13 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: In Re the Matter of 1998 Biennial Regulatory Review,
47 C.F.R. Part 90, Private Land Mobile Radio Services,
WT Docket No. 98-182 and PR Docket No. 92-235

Dear Ms. Roman Salas:

I am enclosing herewith an original and 4 copies of Reply Comments for filing in WT Docket 98-182, and two additional copies of those Reply Comments to be filed in PR Docket 92-235 in the above-referenced proceeding with the Commission.

Very truly yours,



Kelly A. Quinn

Enclosures
As stated

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
1998 Biennial Regulatory Review --)
47 C.F.R. Part 90 – Private Land Mobile)
Radio Services)
)
Replacement of Part 90 by Part 88 to)
Revise the Private Land Mobile Radio)
Services and Modify the Policies)
Governing Them and)
Examination of Exclusivity and Frequency)
Assignment Policies of the Private Land)
Mobile Services)

WT Docket No. 98-182
RM-9222

PR Docket No. 92-235

REPLY COMMENTS .

Intek Global Corp. (Intek) hereby respectfully submits these Reply Comments in response to the *Notice of Proposed Rulemaking* released by the Commission on October 20, 1998 in the above-captioned proceeding.¹

I. Introduction and Statement of Interest

Intek is a publicly-traded company and the parent of both Roamer One, Inc., the largest existing service provider in the 220 MHz band, and Midland USA, Inc., a distributor of spectrally efficient equipment in the 220 MHz band as well as land mobile products that serve the private and public safety communications markets. Intek has actively participated in many Commission rulemaking proceedings. Intek has developed and deployed its highly spectrally-

¹ "In Re 1998 Biennial Regulatory Review – 47 C.F.R. Part 90 – Private Mobile Radio Services, Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them, and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services," WT Docket No. 98-182, RM 9222, PR Docket 92-235, *Notice of Proposed Rulemaking*, FCC 98-251 (rel. Oct. 20, 1998) (*NPRM*).

efficient “Linear Modulation” or “LM” technology for use in the 220-222 MHz band and has obtained type acceptance for its LM based VHF band trunked repeater and mobiles in accord with the Commission’s refarming objectives. As a manufacturer of land mobile radio systems and equipment, Intek is particularly interested in the Commission’s efforts to promote spectrum efficiency and to eliminate unnecessary burdens on PLMR licensees.

II. Background

On October 20, 1998, the Commission initiated this NPRM to seek comment on its proposed revisions to its private land mobile radio (PLMR) licensing rules. Specifically, the Commission sought to “determine which [Part 90] regulations were either not in the public interest, obsolete, overly complex, required editorial change, or were redundant in nature.”² Intek offers these Reply Comments to respond to several suggestions raised by commenters in this proceeding.

III. Discussion

A. Intek Supports the Extension of License Terms to Ten Years

Intek agrees with commenters that support the Commission’s proposal to modify Section 90.149 to establish a ten-year renewable license term for all Part 90 licensees. Intek believes that the Commission should adopt this rule change because it serves the public interest, reduces costs to PLMR licensees, and eases the administrative burden of the Commission’s staff.

B. Intek Believes the Commission Should Amend Section 90.155 to Permit Extended Implementation for All Eligibles

In response to APCO’s suggestion, the Commission has proposed to amend Section 90.155 to permit any public safety applicant to seek extended implementation authorization

² *NPRM* at ¶12.

pursuant to the provisions of Section 90.629. As support for this proposal, the Commission reasoned that such a modification “would account for recent changes in the Commission’s rules below 800 MHz that create a new environment that fosters the use of narrowband and trunked equipment.”³ Intek agrees with the Commission’s reasoning, but believes that the revision to Section 90.155 should apply to all eligibles in the band and not simply to public safety applicants. This will enable large private users to plan systems to more realistically accommodate their needs. The Commission should therefore amend Section 90.155 to fashion wide area implementation rules for all eligible applicants on the same terms and conditions as found in Section 90.629.

C. Intek Strongly Supports Motorola’s Proposed Definition of “Centralized” Trunking

Intek concurs with Motorola’s requested clarification to the Commission’s proposed definition of centralized trunking. In the NPRM, the Commission offers a definition of centralized trunking that does not adequately emphasize the fact that in a centralized trunking system “the user is assigned an open channel potentially regardless of any co-channel use outside the system on that channel.”⁴ Thus, Intek urges the Commission to adopt the following definition of centralized trunking:

“In a centralized trunked system, the base station controller provides dynamic channel assignments by automatically searching for and assigning to a user an open channel within that system, possibly without regard to any co-channel activity that is engaged outside of the trunked system.”⁵

By utilizing this definition, Intek believes the Commission will properly clarify the distinctive elements of a centralized trunking system.

³ *NPRM* at ¶ 12.

⁴ *See* Motorola Comments at 12.

⁵ *Id.*

D. Intek Supports the Adjacent Channel Coupled Power (ACCP) Approach For Limiting Out-of-Band Emissions in Appropriate PLMR Frequency Bands

Intek agrees with Motorola and Ericsson that the Commission should introduce the ACCP approach for limiting out of band emissions in the Part 90 frequency bands.⁶ Intek supports the application of ACCP measurements because it believes that the use of direct measurements of interfering energy is a more reliable indicator than the Commission's traditional emissions masks. Use of "brick-wall" emissions masks coupled with ACCP measurements will enable the more efficient use of in-channel bandwidth by advanced technologies, including Intek's LM, that today are unnecessarily limited by emissions masks designed for older, less efficient technologies. Use of the ACCP approach, moreover, will enhance the flexibility of manufacturers in introducing new products, of the frequency coordinators in licensing those products for use, and of the FCC in conserving its resources from the necessity of defining specific emissions masks to govern any technology operating on less than the FCC-defined channel spacings. Accordingly, Intek urges the FCC to expeditiously take such actions as necessary looking toward implementation of the ACCP approach.

E. Intek Urges A Flexible Approach to Channel Assignment

As several commenters noted, in Appendix B of its NPRM, the Commission modified Section 90.187 of its rules to provide that no more than ten frequency pairs may be assigned at any one time for the operation of a trunked radio station.⁷ This is consistent with a recommendation made by the Land Mobile Communications Council ("LMCC"). Intek understands LMCC's and the FCC's desire for guidelines to govern the assignment of channels for trunked operations in the PLMR bands. However, Intek believes that a "hard and fast" limit

⁶ See Motorola Comments at 13-15; Ericsson Comments at 11.

⁷ See AMTA Comments at 7; APCO Comments at 3.

of ten channels may needlessly impede the introduction of more efficient systems in those bands. For example, employing 5 kHz channelization as is permitted by the FCC's Rules to refarm two existing 30 kHz channels would yield twelve channels. To encourage private users to adopt more quickly advanced systems in the PLMR bands, Intek recommends that requests for more than ten channel assignments be considered on a case-by-case evaluation of the communications requirements of the applicant.

F. The FCC Should Encourage the Increased Use of Trunked Systems in the PLMR Bands

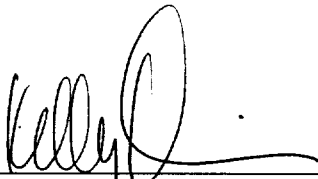
Ericsson requests that the Commission modify the wording of Section 90.187(b)(2)(ii) to use the interference contour of a proposed trunked station as the measure for alternative engineering analyses.⁸ Section 90.187 was adopted by the FCC with the intent of promoting the use of advanced and more efficient technologies in the PLMR bands. The modification to the existing Rule suggested by Ericsson will increase the difficulty of introducing trunked systems in the PLMR bands and would not serve the goals articulated by the Commission in its refarming initiative. To the contrary, Intek urges the FCC to adopt measures in its on-going examination of the trunking rules that more readily facilitate the licensing of more efficient trunked systems.

⁸ Ericsson Comments at 8-11.

IV. Conclusion

As fully explained above, Intek urges the Commission to adopt its positions consistent with the views expressed in these Reply Comments.

Respectfully submitted,
Intek Global Corp.

By:  _____

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